

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CHRIS MUCZYNSKI,)	
)	
Plaintiff,)	
)	
v.)	Case No. 10 C 0081
)	
JACK LIEBLICK, PATRICK MASUDA,)	Judge John W. Darrah
DETECTIVE WRONKOWSKI, JEFFREY)	
LOQUERCIO, CITY OF CHICAGO, and)	Magistrate Judge Geraldine Soat Brown
SERGEANT GRECO, DARRELL)	
FARMER, THE VILLAGE OF MELROSE)	
PARK, and MIKE FARMER,)	
)	
Defendants.)	

**DEFENDANTS, SERGEANT ANTHONY GRECO and THE VILLAGE OF
MELROSE PARK's, RULE 56 MOTION FOR SUMMARY JUDGMENT**

Defendants, SERGEANT ANTHONY GRECO (hereafter "Greco") and THE VILLAGE OF MELROSE PARK (hereafter "Village"), by and through their attorneys, STEPHEN R. MILLER and NIKOLETA LAMPRINAKOS of ROBBINS SCHWARTZ NICHOLAS LIFTON & TAYLOR, LTD., and for their Rule 56 Motion for Summary Judgment state as follows:

1. Plaintiff, CHRIS MUCZYNSKI (hereafter "Muczynski"), was arrested on January 11, 2008 and charged with three counts of battery. The charges were based on two of three victims identifying him in both a photograph lineup and a live lineup.
2. Pursuant to Fed.R.Civ.P. 56, and for the reasons more fully set forth in the Defendants' Memorandum of Law in Support of their Motion for Summary Judgment, Sergeant Anthony Greco and the Village of Melrose Park are entitled to summary judgment on Counts I, II, III and V for the following reasons:

- a. Sergeant Anthony Greco is entitled to summary judgment on the Equal Protection Class of One claim in Count I because there is no evidence that Plaintiff was singled out for different treatment than any other individual and there is no evidence that Sergeant Greco had any animus towards Muczynski;
- b. Sergeant Anthony Greco is entitled to summary judgment on the False Arrest claim in Count II because there is no genuine issue of material fact that probable cause existed to arrest Muczynski because he was identified on two separate occasions, photograph lineup and live lineup, by two of the three complaining witnesses prior to arrest;
- c. It is uncontroverted that Sergeant Greco never had any communication with the three victims. Further, it is uncontroverted that Sergeant Greco knew the Chicago detectives prior to their arrival at the Melrose Park Police Department and has not spoken to them again since providing the information regarding Muczynski. There is no evidence that Sergeant Greco and the Chicago detectives had any kind of agreement, express or implied, to deprive Muczynski of his constitutional rights;
- d. There is no genuine issue of material fact that Sergeant Greco is entitled to qualified immunity insofar as his identification of Muczynski does not violate clearly established constitutional or statutory rights of which a reasonable officer would have known; and
- e. Since there is no genuine issue of material fact as to any of Sergeant Greco's conduct, judgment should be entered in favor of the Village of Melrose Park on Muczynski's claim for indemnification.

8. The Defendants' Memorandum of Law in Support of their Motion for Summary Judgment on Counts I, II, III and V is filed contemporaneously herewith.

WHEREFORE, Defendants, SERGEANT ANTHONY GRECO and THE VILLAGE OF MELROSE PARK, respectfully request that this Honorable Court grant their Motion for Summary Judgment on Counts I, II, III and V, as they relate to them and grant such other and further relief as is just and appropriate.

Respectfully submitted,

**SERGEANT ANTHONY GRECO AND THE
VILLAGE OF MELROSE PARK**

By: /s/ Nikoleta Lamprinakos
One of the Attorneys for Defendants

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CERTIFICATE OF SERVICE

I, Nikoleta Lamprinakos, the undersigned attorney, hereby certify that the foregoing ***Defendants, Sergeant Anthony Greco and the Village of Melrose Park's, Rule 56 Motion for Summary Judgment***, was electronically filed with the United States District Court for the Northern District of Illinois, Eastern Division, and that a copy of the same was served upon the following named attorney of record via electronic mail, on this **23rd** day of **December, 2013**.

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By: /s/Nikoleta Lamprinakos
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